

Remarks

Claims 2-13, 15-21, 24-28, and 30-43 are in the application, of which claims 2, 3, 10, 15, 18, 20, 24, 25, and 28 are in independent form. Claims 1, 14, 22, 23, and 29 are cancelled by this amendment. Dependent claims 31-43 are added by this amendment.

Applicant wishes to thank the examiner for the courtesies extended to the undersigned during telephone interviews on April 13 and 25, 2005, in which the proposed amendments were discussed, as indicated in the examiner's Interview Summary.

In the specification, paragraph [0009] is amended to correct an inadvertent typographical error.

Applicant acknowledges the examiner's indication that claims 3-5, 10-12, 15, 19, 24, 25, 27, 29, and 30 are directed to allowable subject matter, and has rewritten claims 3, 10, 15, 24, and 25 in independent form. Applicant wishes to highlight that a limitation of original claim 15, requiring "a spring that biases the plunger away from the stop" is deleted by this amendment as being unnecessary for patentability. Claims 4 and 5 are dependent from claim 3 and are amended only to conform their preambles to the preamble of amended claim 3. The preambles of claims 3-5 are amended for conciseness only, without intending to narrow the scope of the claimed subject matter. Claims 11 and 12 depend from amended claim 10, and claim 19 depends from claim 11, and should now be allowable therewith. Claim 12 is amended to correct a minor typographical error. Original claim 29 has been cancelled and its subject matter added to independent claim 28, which is discussed below. Claim 30 is amended to depend from amended claim 28 and should be allowable therewith.

Rejection Under 35 U.S.C. § 112

Claim 20 stands rejected under 35 U.S.C. § 112, second paragraph. Applicant has amended claim 20 to incorporate most but not all¹ of the limitations of claim 1 and to change the phrase "means for generating suction according to claim 2" to --means for applying suction to the vent passage," thereby overcoming the lack of antecedent basis noted in the Office action. Support for the amended claim language is found in the original specification at FIG. 2, Ref. No. 316, and supporting text, and in original

¹ Amended claim 20 varies from text of original claim 1 by omitting the text reciting that the diaphragm is "operable, in response to an applied actuation force, to transition between a closed position blocking the valve passage and an open position wherein the valve passage is at least partially open" and that the vent is "to vent the enclosed space, thereby facilitating transitioning of the diaphragm between the open and closed positions". Applicant believes these changes will not affect patentability in view of the cited references.

claim 29, which was indicated as including allowable subject matter. Applicant, therefore, believes that amended claim 20 is allowable and respectfully requests reconsideration.

Rejections Under 35 U.S.C. § 102(b)

Claims 1, 2, 6-8, 13, 17, 22, and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,383,646 of Weingarten ; and claims 1, 6-8, 13, 14, 22, 23, and 28 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,826,132 of Moldenhauer. Applicant cancels claims 1, 14, 22, and 23, without prejudice.

With respect to claim 2, applicant has amended the claim to incorporate the limitations of original independent claim 1 and to specify that the “means operatively coupled to the vent passage for reducing fluid pressure in the enclosed space” reduces fluid pressure --below an ambient pressure outside the valve body--. Applicant believes this amendment overcomes the rejection over Weingarten without adding new matter. As indicated to the examiner during the April 25, 2005 telephone interview, support for the amended text is found in the original specification at the end of paragraph [0034]. Claims 6 and 7 are amended to depend from amended claim 2 ,and claim 8 depends from claim 7. The preamble of claims 2 and 6-8 are also amended for conciseness and consistency in the same manner as claims 3-5, as discussed above. Thus, claims 2 and 6-8 are believed to be in allowable form and applicant respectfully requests reconsideration.

Claim 13 is amended to depend from amended claim 3 and to specify that --the pump is connected to said section of the vent passage--. Because claim 3 was indicated as including allowable subject matter, applicant submits that amended claim 13 should also be allowable and requests reconsideration of the same.

Claim 17 is amended to depend from claim 18, discussed below and is believed to now be allowable.

Claim 28 is amended to add the limitations of former claim 29 (now cancelled), which was indicated in the Office action as including allowable subject matter.

Rejections Under 35 U.S.C. § 103

Claim 9 stands rejected on obviousness grounds over Moldenhauer in view of U.S. Patent No. 6,659,421 of Goossens. Claim 9 now depends indirectly from amended claim 2, rather than claim 1. For the reasons discussed above, applicant believes claim 9 should now be allowable and respectfully requests reconsideration.

Claim 16 stands rejected on obviousness grounds over Weingarten in view of U.S. patent No. 6,241,213 of Butler. Applicant responds by amending claim 16 to depend from claim 18, discussed below. Applicant believes claim 16 should now be allowable.

Claim 18 was rejected on obviousness grounds over U.S. Patent No. 6,179,925 of Schmitt et al. in view of Moldenhauer. However, the examiner subsequently withdrew this rejection during the April 13, 2005 telephone interview, as indicated in the examiner's Interview Summary. Claim 18 has been rewritten in independent form to incorporate the limitations of original base claim 1, except that amended claim 18 omits the text of original claim 1 reciting that the diaphragm is "operable, in response to an applied actuation force, to transition between a closed position blocking the valve passage and an open position wherein the valve passage is at least partially open" and reciting that the vent is "to vent the enclosed space, thereby facilitating transitioning of the diaphragm between the open and closed positions". These deviations are similar to the changes made in claim 20, described above in footnote 1, and Applicant believes they should not affect patentability of claim 18 in view of the cited references.

Lastly, claim 26 stands rejected on obviousness grounds over U.S. Patent No. 6,585,823 of Van Wijck in view of Moldenhauer. Applicant responds by amending claim 26 to depend from claim 24, which was indicated in the Office action as including allowable subject matter. Applicant, therefore, believes amended claim 26 should also be allowable.

Conclusion

Applicant believes the application is now in condition for allowance and respectfully requests the same. In the event that any outstanding issues are identified, Applicant invites the examiner to telephone the undersigned attorney.

Respectfully submitted,

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